

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,  
AT HYDERABAD

**THE HON'BLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION No. 14098 OF 2007**

Date:14.08.2007

BETWEEN:

T.Vijay Singh

.... PETITIONER

And

1. The Commissioner o Police Hyderabad City, Hyderabad,  
and others.

.... RESPONDENTS

**ORDER:**

The petitioner seeks to issue a Writ of Mandamus declaring the action of respondents 1 to 3 in not taking appropriate action against fourth respondent pursuant to F.I.R.No.196 of 2007, dated 19.06.2007 from making any illegal construction in the petitioner's house property basement area bearing No.18-8-444/1/116 admeasuring 270 sq. yards situated at Lalithabagh, Uppuguda, Hyderabad, as illegal and arbitrary and to direct respondents 1 to 3 to prevent fourth respondent from making any construction of compound wall.

It is the case of the petitioner that he is the allottee of house bearing No.18-8-444/1/116. When the fourth respondent tried to occupy his house, he filed O.S.No.3576 of 1986, which was decreed on 18.04.1992. However, the fourth respondent informed the lower Court that he has purchased the adjacent plot bearing No.18-8-444/1/129 admeasuring 100 sq. yards under an agreement of sale, and prevented the petitioner from raising any constructions. When the fourth respondent tried to interfere with his peaceful possession and enjoyment of the property in question and tried to occupy the said property by rising mud compound wall, the petitioner resisted the said action and made a complaint to the second respondent on 13.06.2007, on the basis of which F.I.R.No.196 of 2007 dated 19.06.2007 was registered for the offences under Sections 448 and 506 IPC. It is alleged that instead

of registering the case, the official respondents have not taken any action against the fourth respondent and the fourth respondent is illegally trying to raise the compound wall. It is further stated that the fourth respondent is the owner of Plot No.8-8-444/1/129 only and he has nothing to do with the property bearing No.8-8-444/1/116 admeasuring 120 sq. yards.

The learned counsel appearing for the fourth respondent submits that the petitioner purposefully suppressed the fact of dismissal of suit in O.S.No.3576 of 1986. It is stated that though the said suit was decreed ex parte by the III Assistant Judge, City Civil Court, Hyderabad on 18.04.1992, but after regular trial the learned Judge dismissed the said suit, as the petitioner failed to establish that he was entitled for any perpetual injunction. The subject matter of O.S.No.3576 of 1986 and the present writ petition is regarding the very same premises bearing No.18-8-4441/116 situated at Lalitabagh, Uppuguda, Hyderabad. In fact, the said property was not at all standing in the name of the petitioner. Thus it is the case of the fourth respondent that the complaint filed by the petitioner itself is illegal and without any basis as the said suit alleged to have been decreed in favour of the petitioner, was in fact dismissed subsequently for suppressing the fact. Thereafter, on a complaint lodged by the petitioner the said F.I.R. has been registered. It is further stated that the F.I.R. itself is illegal and untenable, since except summoning the fourth respondent and his son, no charge sheet was filed against him, and that under the guise of said F.I.R the civil rights of the fourth respondent are being interfered with without any basis.

Though there is some force in the contention of the learned counsel appearing for the fourth respondent, but as the fourth

respondent has not taken any steps to face the F.I.R., I am not inclined to express any opinion.

The second respondent filed counter stating that they are not at all interfering with the civil rights of the fourth respondent except summoning him and his son about the alleged interference of the petitioner's property.

As the petitioner established his right, title and claim over the schedule property, I am of the opinion that the petitioner is not entitled to any relief in this writ petition to direct respondents 1 to 3 to take action against the fourth respondent.

Accordingly, the Writ Petition is dismissed with costs payable to the fourth respondent.

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**(V. ESWARAIAH, J.)**

14<sup>th</sup> August, 2007  
Js.